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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,793

04/11/2005

Siegfried Bragulla

2109USWO

5857

43896

7590

10/04/2007

ECOLAB INC.

MAIL STOP ESC-F7, 655 LONE OAK DRIVE

EAGAN, MN 55121

EXAMINER

ASDJODI, MOHAMMAD REZA

ART UNIT

PAPER NUMBER

1709

MAIL DATE

DELIVERY MODE

10/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,793

Applicant(s)

BRAGULLA, SIEGFRIED

Examiner

Asdjodi M. Reza

Art Unit

1709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 03/07/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16, 17, 18, 19, 20, 21, 26 and 27 are rejected under 35 .S.C. 102(b) as being anticipated by Behler et al. (US 2003/0139317 A1).

Regarding claim 16, Behler et al. teach a method of cleaning vehicle, [¶.0126] & [¶.0165], with cleaning composition (surfactant mixture) comprising: i- Gluconic acid, [¶.0116], ii- a complexing agent (polycarboxylic acids), [¶.0116].

Regarding claim 17, Behler et al. teach a method of cleaning vehicle wherein the complexing agent is polyaspartic acid, [¶.0120].

Regarding claim 18, Behler et al. teach a method of cleaning vehicle wherein the cleaning composition comprises complexing agent by the amount of 0-70% by weight, [¶.0115].

Regarding claim 19, Behler et al. teach a method of cleaning vehicle wherein the cleaning composition comprises a nonionic surfactant, [¶.0049].

Art Unit: 1709

Regarding claim 20, Behler et al. teach a method of cleaning vehicle wherein the cleaning composition comprises nonionic surfactants such as polyglycosides and alkoxylated fatty alcohols, [¶.0049].

Regarding claim 21, Behler et al. teach a method of cleaning vehicle wherein the cleaning composition has a mild pH. Technically a mild pH is considered a pH range of 5.5 to 8.5.

Regarding claim 26, Behler et al. teach a method of rinsing the cleaning composition, [¶.0001], [¶.0107] & [abstract].

Regarding claim 27, Behler et al. teach a method of cleaning a vehicle and hard surfaces, [¶.0165], with the cleaning composition. Wheel rims are indeed part of a car and therefore Behler et al. teach the instant claim.

Claims 28, 29, 30, 31, 32, and 33 are rejected under 35 .S.C. 102(b) as being anticipated by Behler et al. (US 2003/0139317 A1).

Regarding claim 28, Behler et al. teach a cleaning composition for vehicles comprising: i- Gluconic acid, [¶.0116], ii- a complexing agent (polycarboxylic acids), [¶.0116].

Regarding claim 29, Behler et al. teach a cleaning composition for vehicles wherein the complexing agent is polyaspartic acid, [¶.0120].

Regarding claim 30, Behler et al. teach a cleaning composition for vehicles wherein the cleaning composition comprises complexing agent by the amount of 0-70% by weight, [¶.0115].

Art Unit: 1709

Regarding claim 31, Behler et al. teach a cleaning composition for vehicles wherein the cleaning composition comprises a nonionic surfactant, [¶.0049].

Regarding claim 32, Behler et al. teach a cleaning composition for vehicles wherein the cleaning composition comprises nonionic surfactants such as polyglycosides and alkoxyated fatty alcohols, [¶.0049].

Regarding claim 33, Behler et al. teach a cleaning composition for vehicles wherein the cleaning composition has a mild pH. Technically a mild pH is considered a pH range of 5.5 to 8.5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22 -25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behler et al. (US 2003/0139317 A1), as applied to claims 17 and 16 above, and further in view of Gorlin et al. (US 6,720,301 B2).

Behler et al. teach a cleaning method with cleaning composition comprising gluconic acid by the amount of 10-70%, [¶.0115] & [¶.0116].

Behler et al. do not teach the amount of polyaspartic acid. However Gorlin et al. discloses a wipe with cleaning composition comprising polyaspartic acid by the amount

of 2-18%, [C.14, L.37]. Behler et al. and Gorlin et al. are combinable because they are from the same field of endeavor with respect to cleaning compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the aspartic acid of Gorlin et al. with Behler et al.'s invention. The motivation would have been to increase the amount of builder component of cleaning composition in order to increase the detergency activity of composition. Builders are responsible for detergency activity in cleaning compositions.

Regarding claim 24, Behler et al. teaches every limitation (including the mixing the composition with water) except the complexing agent's concentration in diluted solution.

The experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. At the time of invention, it would have been obvious to a person of ordinary skill in the art to optimize the amount of complexing agent. The motivation would have been to prepare a solution with proper amount of activity for detergency during cleaning. This will also prevent overuse or wasting of cleaning composition. A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney*, 205 USPQ 215.

Art Unit: 1709

Regarding claim 25, Behler et al. teach a method, as applied to claims 24 and 16 above, of cleaning wherein the composition comprise 0.2-85% nonionic surfactant, [¶.0078] & [¶.0110], which corresponds to claimed 0.5-50 gr/l.

Claims 34-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behler et al. (US 2003/0139317 A1), as applied to claim 29 and 28 above, and further in view of Gorlin et al. (US 6,720,301 B2).

Behler et al. teach a cleaning method with cleaning composition comprising gluconic acid by the amount of 10-70%, [¶.0115] & [¶.0116].

Behler et al. do not teach the amount of polyaspartic acid. However Gorlin et al. discloses a wipe with cleaning composition comprising polyaspartic acid by the amount of 2-18%, [C.14, L.37]. Behler et al. and Gorlin et al. are combinable because they are from the same field of endeavor with respect to cleaning compositions. At the time of invention, it would have been obvious to a person of ordinary skill in the art to combine the aspartic acid of Gorlin et al. with Behler et al.'s invention. The motivation would have been to increase the amount of builder component of cleaning composition in order to increase the detergency activity of composition during the cleaning. Builders are responsible for detergency activity in cleaning compositions.

Regarding claim 36, Behler et al. teaches every limitation (including the mixing the composition with water) except the complexing agent concentration in diluted solution.

The experimental modification of this prior art in order to ascertain optimum operating conditions fails to render applicants' claims patentable in the absence of unexpected results. *In re Aller*, 105 USPQ 233. At the time of invention, it would have been obvious to a person of ordinary skill in the art to optimize the amount of complexing agent. The motivation would have been to prepare a solution with proper amount of activity for detergency during cleaning. A prima facie case of obviousness may be rebutted, however, where the results of the optimizing variable, which is known to be result-effective, are unexpectedly good. *In re Boesch and Slaney*, 205 USPQ 215.

Regarding claim 37, Behler et al. teach a cleaning composition, as applied to claims 36 and 28 above, of cleaning wherein the composition comprise 0.2-85% nonionic surfactant, [¶.0078] & [¶.0110], which corresponds to claimed 0.5-50 gr/l.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Reza Asdjodi whose telephone number is 571-270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 1709

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

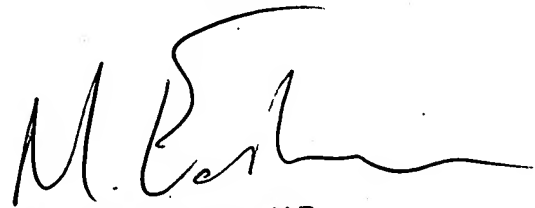
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M. Reza Asdjodi

09/26/07

A handwritten signature in black ink, appearing to read 'M. Eashoo', with a long horizontal flourish extending to the right.

MARK EASHOO, PH.D.
SUPERVISORY PATENT EXAMINER

01/06/07